



**MINUTES  
CITY COUNCIL MEETING  
June 2, 2020**

**CALL TO ORDER**

The meeting was called to order at 6:32 pm.

**Present:** Mayor: Charlie Miner (telephonic); Council: Deirdre Kvale (telephonic), Michelle Jerde (telephonic), Jahn Dyvik (telephonic), and Tom Skjaret (telephonic)

**Staff Present:** City Administrator: Scott Weske (in person); Public Works Director: Sean Diercks (telephonic); Fire Chief: James Van Eyll (telephonic); and City Clerk: Jeanette Moeller (in person)

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENTS - LONG LAKE NEWS, MEETING REVIEW AND UPDATES**

Mayor Miner offered the following comments and updates:

Referencing Memorial Day weekend, Mayor Miner observed that unfortunately the community had been unable to honor those who served in ceremony, and he hoped everyone was able to celebrate in other ways.

In a work session prior to the regular meeting, the City Council received a presentation of the City's Annual Financial Report from Andy Berg of Abdo, Eick & Meyers.

Mayor Miner noted that he and Chief Van Eyll had both been busy due to what had been happening in Minneapolis following the death of George Floyd. Though there was some rumor about what could occur in the west metro area, activity had remained quiet. Chief Risvold had enacted a curfew in Wayzata as a preventative measure. He added that Chief Van Eyll had been helping at a multi-agency emergency response coordinating center at TCF Stadium, and thanked him for doing so.

**APPROVE AGENDA**

*A motion was made by Jerde, seconded by Dyvik, to approve the Agenda as presented. Ayes: all by roll call.*

**CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of May 19, 2020 City Council Meeting
- B. Approve Vendor Claims and Payroll
- C. Adopt Resolution No. 2020-17 Accepting a Donation to the Long Lake Fire Department of Disposable Face Shields From Plateworks Plus Through the City of Medina
- D. Adopt Resolution No. 2020-18 Appointing Finance/Utility Billing Officer Amanda Nowezki as a Regular Employee (Completion of Probationary Period) and Approving a Salary Step Increase Effective June 1, 2020

It was noted that the Consent Agenda includes an item recognizing the completion of Finance/Utility Billing Officer Amanda's Nowezki's probationary period, accompanied by a salary step increase.

*A motion was made by Dyvik, seconded by Skjaret, to approve the Consent Agenda. Ayes: all by roll call.*

## **OPEN CORRESPONDENCE**

**Dan MacDonald, 335 Russell Lane (Submitted by Email)** – Weske had received an email from Mr. MacDonald earlier today referencing the speed sign on Wayzata Boulevard W near the Luce Line Trail and wondering whether the issue of inaccurate readings was being addressed.

Public Works Director Diercks noted that the sign is located where it is because underground utilities in the area affected where the sign could be installed. Weske mentioned that the issue previously raised was that the line of sight for the radar sign is being impacted by another sign located in the area. Diercks indicated that his answer from the County at previous inquiry was that the radar controlled sign is unable to be moved.

Mayor Miner commented that the sign was not really meant for enforcement and it is not used by Police when writing a ticket, but rather to show the speed of motorists. He added that the sign mostly works and does a fairly good job with some occasional errors.

## **BUSINESS ITEMS**

### **Receive and Accept the 2019 Audited Financial Report**

Andy Berg of Abdo Eick & Meyers indicated that he was in attendance to present the City's annual audited financial report. Berg advised that the completed AEM audit report for 2019 includes a "clean opinion" and reviewed the auditor's responsibility as well as audit findings relating to limited segregation of duties, preparation of financial statements, and timely investment reconciliations. Berg confirmed that two prior year findings relative to financial reporting to Council and one incident of unsigned checks have been addressed and not repeated for 2019. Berg clarified that with regard to the finding relative to limited segregation of duties, that particular finding was common for small to medium cities. Council member Skjaret pointed out that the addition of a finance employee would likely add some remedies to that finding.

He provided the City Council with an overview of the audit management letter; discussing General Fund revenues/expenditures, special revenue funds, capital projects funds, debt service funds, enterprise cash balances and cash flows, reviewing a ratio analysis of Long Lake's financial statistics, and provided comparison data depicting Long Lake's financial statistics against cities of similar size as well as the County.

Council member Dyvik shared a reminder for anyone who may watch the meeting that the Council had also reviewed audit results in detail in a work session prior to the regular meeting.

Mayor Miner recalled that as a Council member had pointed out in the work session, the City continues to see challenges in its water and sewer funds.

Council member Skjaret commented that it was favorable to see improvements with audit findings from the previous year having been resolved.

*A motion was made by Skjaret, seconded by Jerde, to receive and accept the Management Letter and annual City Financial Report for the year ended December 31, 2019 issued by City external auditors Abdo, Eick & Meyers LLP. Ayes: all by roll call.*

### **Consider Authorization of 2020 Pothole Spray Patching Program**

Diercks reported that Public Works has been researching potentially changing up the City's pothole patching program to try some spray patching in 2020. He explained that spray patching would replace the City's conventional pothole/pavement repair process consisting of a cold or hot asphalt mix, throw and go/roll method for street patching. Staff finds they are returning to the same areas to make repairs year after year, as winter snowplowing operations along with Minnesota's freeze-thaw cycle are very unforgiving to temporary patch work done the year before.

Weske displayed a video while Diercks explained the spray patching process. He stated that the spray patching method is far superior to traditional patching methods used. He indicated that a contractor had provided a demonstration at the Public Works building and patching a few holes on Lake Street for staff to witness.

Diercks described the streets and scope of the proposed pothole spray patching project and the quote received from contractor RCM Specialties for the work. He added that earlier the day of the meeting, he, Weske and Mayor Miner had met with residents on Orchard Circle regarding a drainage issue, and after reviewing site conditions he would ask Council to consider authorizing expanding the scope of work to include Orchard Circle repairs as well.

Diercks responded to Council member questions regarding the longevity of spray patching repairs; utilizing funds budgeted for annual sealcoating as a funding source for the work; more information on the materials used in the spray patching process and the improved ability for repairs to have some flexibility to combat the freeze-thaw cycle; and why streets in the proposed project scope were chosen. Diercks confirmed that the areas chosen represent sections in differing states of disrepair.

Council member Dyvik noted that if the spray patching was successful, then perhaps Diercks could put together a multi-year plan for spray patching applications as streets are being considered for reconstruction in future.

Mayor Miner questioned what had been decided for repairs to Westwood Drive, adding that he was aware some complaints had been received from residents regarding the status of repairs to an area disturbed during a previous watermain break.

Diercks stated that Public Works staff will be conducting patching operations all week.

Regarding the potential addition of Orchard Circle to the spray patching project scope, Mayor Miner questioned whether an amended quote was needed for review first, and whether Diercks would prefer direction or a motion.

Diercks replied that he would like to ask that a motion be made to approve the project, and if Council is comfortable doing so, they could add Orchard Circle by approving a "do not exceed" project cost. Alternatively, he offered to bring back a revised quote for Council consideration. He indicated that he would suggest a "do not exceed" authorization be capped at \$25,000.

*A motion was made by Skjaret, seconded by Jerede, to authorizing City staff to proceed with 2020 Spray Patching through RCM Specialties, with project scope revised to include Orchard Circle, and a total project cost not to exceed \$25,000.*

Reflecting that the spray patching amount represents about half of the budgeted amount for sealcoating, Council member Dyvik questioned whether Diercks had identified streets for this year's sealcoating yet. Diercks replied that he would be working to do so in the next couple weeks.

*Ayes: all by roll call.*

**Resolution Authorizing the City Administrator to Grant "Regulatory Flexibility" to Local Businesses, Enabling Administrative Issuance of Special Event Permits for Temporary Outdoor Patio and Business Spaces**

City Clerk Moeller indicated that this agenda item was the result of staff recognizing that a mechanism would be needed to permit businesses, particularly restaurants who were recently authorized to open outdoor dining spaces only, to apply for temporary outdoor business spaces in a manner that would not involve the time needed to process the zoning applications that would typically be required. Staff consulted with the City Attorney and learned he had been working with other communities on this issue. He sent staff a draft of a resolution authorizing a City Administrator to employ "regulatory flexibility" thereby allowing staff to issue permits as quickly as possible to assist businesses seeking to add temporary outdoor spaces. Staff worked in consult with the City Attorney to update the draft specific to Long Lake considerations.

Moeller clarified that "Regulatory flexibility" as identified in the Resolution would include granting the City Administrator authority to administratively issue Special Event Permits to allow temporary outdoor business spaces, particularly restaurants who wish to add temporary outdoor patio spaces. City staff, the Police Chief, and Fire Chief are all in agreement that using administratively issued Special Event Permits as a mechanism to approve temporary outdoor patio spaces/expansions is an appropriate way to grant approval while allowing applying conditions appropriate to each location's specific plan.

Staff is recommending the City Council consider adoption of Resolution No. 2020-18, which would enable staff to quickly move to administratively issue Special Event Permits for those businesses seeking to add outdoor spaces. At this time, Moeller reported that she has received plans and permit applications from both the Red Rooster and Carbone's Pizzeria to add temporary outdoor patio spaces, and she has been working with the Police Chief, Fire Chief, and Public Works to identify any areas of concern and a list of approving conditions relative to each establishment's respective plan.

Moeller added that under the current circumstances, staff is also recommending the City Council consider waiving the \$75.00 Special Event Permit fee for any City of Long Lake business applying for a permit to allow the temporary expansion of outdoor dining or business use spaces.

Moeller answered questions from Council members regarding the requested locations of temporary outdoor patios at both the Red Rooster and at Carbone's. She noted that the Red Rooster had actually already placed their temporary fencing in location earlier in the day so that they could provide accurate photographs of the proposed temporary patio location for their application, and in anticipation of Council support for this requested action, staff permitted the Red Rooster to keep the fencing in place pending the outcome of the meeting.

*A motion was made by Jerde, seconded by Skjaret, to accept Resolution No. 2020-19 authorizing the City Administrator to grant "regulatory flexibility" to local businesses for a period effective immediately through October 31, 2020; and to waive Special Event Permit fees for City of Long Lake businesses applying for permits to allow temporary expansion of outdoor dining or business use spaces. Ayes: all by roll call.*

### **Direction to Staff Regarding Opening Nelson Lakeside Park Swimming Beach**

Weske indicated this item was a follow up to direction from Council at their last meeting. With playgrounds now opened, staff is seeking confirmation from Council on whether or not to put out the swim buoys and ready the swimming beach area for use.

Fire Chief Van Eyll recommended the beach be opened as in the past, with buoys out and no staffing. He complimented staff on the new park signage placed in City parks, which was modeled after similar signage used by the City of Wayzata.

Hearing no opposition from fellow Council members, Mayor Miner encouraged Public Works Director Diercks to go ahead and ready the swim beach.

### **Discuss Condition of Plantings Along Wayzata Boulevard W Corridor**

Mayor Miner noted that a few Council members and staff had been discussing the condition of plantings in the Wayzata Boulevard W corridor. A member of the City's Planning Commission had voiced particular concern about the condition of vegetation and weeds growing along the roadway. Mayor Miner observed that there appears to be a clear delineation at Wolf Pointe Trail between where sod was installed versus where seed was planted, and a fair amount of weeds are growing in the seeded areas. Though technically in Orono, there is also a retaining wall alongside the trail that was supposed to grow some kind of vegetation, but it has pretty much all died now. He commented that he knows there may be a warranty period involved and Weske and Diercks have been working on the matter a bit. He encouraged Council to discuss next steps and strategize on how to resolve the situation.

Weske had exchanged emails with Amanda Shotton, the project's manager from Hennepin County, and she had indicated that it was the responsibility of the City's Public Works staff to maintain the weedy areas and help the plantings establish. Weske advised her that the City did not sign up or pay to be left with plantings in poor condition. The City was expected by the County to meet high criteria and standards for the City's portion of the landscaping project, and he pointed out that there should be some expectation of the County to fix the areas they were responsible for planting. The last email received indicated that the County would do a weed and seed, and they recommend not mowing the areas to less than three or four inches. Weske indicated that staff would appreciate additional support from Council members and citizens in reaching out to the County to voice disappointment in the conditions of the planting areas. He added that since the City's landscaping project contract is still open, there may be some way the City could undertake improvements and be reimbursed by the County through a project change order process; however, in his mind, the plantings had never been established to a point the City would accept the improvements.

Council members discussed the area and voiced a willingness to reach out to Ms. Shotton directly to request they rectify the poor condition of the planting areas, noting that in locations where sod had been planted, the grass has taken and looks very nice. Council members Dyvik and Jerde indicated they would contact Ms. Shotton. Weske stated that he would forward the email chain to Council members, as it includes photos of areas for reference.

With regard to the City's landscaping project, Council member Dyvik pointed out that while the contractor had replaced 10 trees, there are still three trees that need to be replaced that were somehow missed. He voiced concern that the professional individual the City was required to pay for to have oversight over the condition of plantings had not addressed this. He added that he would also suggest the contractor review the condition of the sumacs and lilacs planted on the berm, as some of them are not doing very well.

Council member Skjaret asked about the grass on the berm area, reflecting that last year it had been sprayed for weeds.

Diercks responded that the grass on the berm looks wonderful compared to where it was previously. He also indicated that he had received correspondence from the City Engineer and Hoffman & McNamara. The contractor admitted to having simply forgotten to replace the tree by the Museum area, and they had said that the trees on Martha were "slow to wake up". The three trees will be replaced when the contractor comes out to inspect flower beds soon.

Council member Dyvik asked Diercks to request that the contractor review the condition of the lilacs and sumacs when they return.

### **Verbal Updates From Public Works Director**

Public Works Director Diercks provided updates and responded to Council questions, discussing the following:

Staff has been working to patch street areas previously disturbed by watermain breaks.

Grass growth has slowed down already due to heat and a decrease in rain, and hopefully staff will not be spending as much time mowing.

Barriers were removed from playground equipment in City parks.

The MCWD will be doing a sediment analysis of the ponds at Nelson Lakeside Park, with monitoring taking place over the summer.

Public Works will be putting in new woodchips and improving fall containment areas for playground equipment at Dexter Park.

Mayor Miner noted that he, Diercks and Weske had met with residents at Orchard Circle to discuss a drainage issue that has been going on for some time in their backyards. Public Works will be providing some assistance, and will be running a camera up a culvert to see what role it may play in impacting drainage.

Diercks advised that the Park Board had met last night and had discussed doing something interesting for winter. Council member Jerde, as Park Board Liaison, shared that the Board had talked about the holiday tree lighting ceremony and maybe doing something at Holbrook Park. Diercks stated that as the tree currently being used in Nelson Lakeside Park is way too big for putting lights on and effectively maintaining them, the Board had discussed planting a large spruce tree in Holbrook Park potentially in the circle drive area of the park. Park Board members Gina and Thomas Joyce were particularly excited about the idea. Diercks noted that lights could be put on the concession stand too. He confirmed that the lights on the tree downtown were purchased by the Chamber of Commerce.

Mayor Miner asked Diercks about the status of the Long Lake Garden Club, noting that the Planning Commission member who had volunteered to coordinate establishing the club was anxious to begin work. Diercks was unsure how far Ms. Secord had gotten in her initial efforts, but from a timing perspective, he thought it could become a 2021 project.

### **Verbal Updates From Fire Chief / Emergency Manager**

Fire Chief Van Eyll provided updates and responded to Council questions, discussing the following:

The birthday driveby parades continue to be a huge success. This coming weekend, there will be a driveby parade traveling in Orono to celebrate high school seniors.

Van Eyll complimented City Clerk Moeller for her work on offering guidance and assistance to businesses with their temporary patio plans, and stated she has been a great resource for helping them.

Not much has changed from a PPE supply standpoint thus far.

During meetings with area Chiefs and managers, some conversation has shifted away from COVID-19 to allow for discussions of how to help those experiencing civil unrest. He would expect COVID-19 to return to the forefront if cases surge.

Van Eyll had been working with City Hall staff to discuss installing barriers to allow opening, and also working with staff and City Clerk Moeller to discuss election preparation.

Regarding civil unrest, a conference call was held the previous Friday with the Chiefs Association to discuss whether help was needed in Minneapolis from a fire standpoint. A task force was established and information was put out to firefighters who may be available and able to help. Van Eyll had advised the state Chiefs regional representative know that the LLFD would be able to supply an engine where it was needed to go on short notice. The LLFD had not been deployed anywhere, Minneapolis was able to handle the incidents, and activity has quieted down. Van Eyll added that assisting the all hazard management team at TCF stadium had been a great experience. In the LLFD's area, there were no known issues or damages. A small protest had been held on Arcola Bridge on Sunday. Some threats had circulated but were not credible.

LLFD had responded to a house fire on Underhill Circle. The fire had started in the garage, and crews did a great job limiting the spread. Though there had been some spread in the attic, the house primarily experienced smoke damage. At this time the exact cause was not yet available, as the Hennepin County investigation team has not come back with their cause report. Mayor Miner expressed appreciation to the LLFD for their response to the fire, and stated that a GoFundMe had been posted to assist the Haislet family. Van Eyll recognized one of his firefighters, Training Chief Cody Farley, who had taken them some items to help them over the short term.

Van Eyll indicated that in person Council meetings could probably start soon, as long as distancing can be maintained. He recommended retaining Zoom as an option for those Council members who wish to stay away, and he would encourage anybody that has underlying medical conditions to stay away from group gatherings. Weske added that there may be some challenges in holding meetings in the Council Chambers related to running Zoom while holding an in person meeting, how to accommodate and limit the number of members of the public that may wish to attend at any one time, and staff will be working with the LMCC to make some accommodations for the in person recorder. Staff will be working cooperatively on this issue in the weeks ahead. Van Eyll confirmed he could check with other communities as well to learn what their plans are for returning to open meetings.

Responding to a comment by Mayor Miner about COVID-19 cases continuing to rise, Chief Van Eyll stated that testing continues to increase. While the numbers of cases and deaths are rising though, the doubling rate in Minnesota seems to be slowing. He noted that could change with all

the civil unrest that has transpired over the past couple days. Over the next two to six weeks, if a spike in cases is observed, it is possible contact tracing may lead back to protests in locations.

Council member Kvale questioned when the ongoing civil unrest may quiet down. Mayor Miner noted that the funeral for Mr. Floyd was scheduled for Thursday afternoon, and there is concern activity could increase following the funeral. Otherwise, activity seems to have been winding down a bit the past few days. He added that some firefighter families had stopped by with cards and gifts for him recognizing that he had been working long hours, and he was very appreciative of them for doing so.

## **OTHER BUSINESS**

**No Trespassing Sign/Fishing Along Shoreline** – Council member Dyvik thanked Weske and Public Works for their quick response and getting ‘no trespassing’ signage installed on the bank. Prior to the signage, he had observed up to a dozen people in the area a day. In the first week he had gone to the area often and informed people of the no trespassing signage, and in the last five days there were significantly less people out there. He added that he had emailed Kristy Morter and Amanda Shotton at the County to inform them of the issue, and Ms. Morter replied that she would raise the matter with her fellow staff to see what further solution they may recommend. Council member Dyvik stated that he was glad the ‘slow-no wake’ restriction had been lifted so people can enjoy the lake more frequently, and commented on the clear water clarity the lake was experiencing so far this year. He hopes people will get out and enjoy the lake as the beach reopens.

**Flower Baskets and Banners** – Council member Dyvik noted that the flower baskets and banners look great, with both seasonal and graduate banners now installed.

**Search Warrant/Individual Charged** – Mayor Miner had received word that some federal law enforcement agencies had executed a search warrant today in Long Lake involving individuals who were now charged with throwing Molotov cocktails into a Dakota County building. One of the individuals was a resident on Harrington Drive, who has now been charged federally.

**Lightpole Down on Wayzata Boulevard W** – Weske mentioned that a street lightpole was missing in front of Elite Auto, as it had been hit in a vehicular accident. He and Diercks will be working to obtain the report and pursue replacement/reimbursement of the light. Council member Dyvik noted that this was the third lightpole that has been struck.

**In Person Absentee Voting Changes** – City Clerk Moeller indicated that Hennepin County had offered cities the opportunity to “opt out” of being an in person absentee voting location for the August Primary election. Moeller shared some of the history of in person absentee voting, explaining that very few do so typically for the Primary election, and up until direct balloting was added there were election cycles where no in person absentee was available at City Hall. Moeller indicated that unless Council objected to doing so, she would be supportive of Long Lake opting out of in person absentee activity for the Primary. Recognizing that there is public concern over the reliability of the USPS mail service, the County is exploring the concept of adding drop boxes for absentee voters to return their ballots to throughout the County. Moeller and Van Eyll had discussed the Fire Station potentially being a great location for a County absentee drop box that could offer a convenient, accessible drop location to serve Long Lake, Orono and other nearby communities. She will be communicating with the County to offer Fire Station 1 as a possible drop box site. No objection was voiced by Council members regarding opting out of in person absentee voting.



**Former BP Site, Application for EDA Review Sent** – Weske advised that he had sent the Application for EDA Review packet to the dentist previously interested in the former BP station site about a month or so ago, but had not received anything back.

**ADJOURN**

*Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:19 pm.*

Respectfully submitted,

Jeanette Moeller  
City Clerk